THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No. 16677 of 2006

DATED: 11-08-2006

Between:

Shaik Kaleem Basha.

..Petitioners.

and

The General Manager, District Industries Centre, Department of Industries, Government of Andhra Pradesh, Chittoor and others.

..Respondents.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.16677 of 2006

ORDER:

Heard the counsel.

2. This writ petition is filed for a writ of certiorari to quash the proceedings in Rc.No.410/A3/2006, dated 15-05-2006 issued by the 1st respondent and to declare the same as illegal, arbitrary, unconstitutional and against the principles of natural justice and pass such other suitable orders.

3. The order impugned reads as hereunder:

> "On verification it is noticed by authorities that your unit is manufacturing and selling packaged drinking water without obtaining BIS Certificate (ISI) as required under Clause 28 under Rule 49 of P.F.A. Rules, 1955, which come into effect from 29-03-2001.
>
> It is advised to stop the activity at once and obtain BIS Certification, failing which action will be initiated in accordance with the permission Rule 48 of P.F.A.Rules, 1955".

4. The learned Government Pleader for Industries had placed reliance on ***KRISHNA FOODS AND ACQUA MINERALS, NALLAJERLA, WEST GODAVARI v. GOVERNMENT OF INDIA, MINISTRY OF HEALTH & FAMILY WELFARE DEPARTMENT OF***

HEALTH, NEW DELHI[1] and would maintain that in view of the same, the petitioner cannot be permitted to run the unit or sell mineral water unless and until the petitioner obtains BIS Certificate (ISI) as required under the P.F.A Rules.

5. The same is hereby recorded. Several factual aspects had been narrated in detail. It is stated that on 15-05-2006 the 1st respondent issued notice to the petitioner to stop the unit, vide Rc.No.410/A3/2006, and on 26-05-2006 the petitioner sent a requisition to the 3rd respondent requesting him to provide full information as to how to apply for obtaining the said certificate and send him an application.

6. In the peculiar facts and circumstances, inasmuch as similar matters were disposed of permitting the petitioner to obtain such certificate within a period of six weeks, this writ petition is disposed of giving liberty to the petitioner to obtain BIS Certificate (ISI) as required under Clause 28 Rule 49 of P.F.A.Rules, 1955, within a period of six weeks and till then, the petitioner is permitted to run the business, in default, the impugned order stands.

Accordingly, the Writ Petition is disposed of. No costs.

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P.S.NARAYANA,J

Dated:11-08-2006

sj

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[1] 2004(6) ALD 338 (DB)